

D'AGOSTINO, LEVINE & LANDESMAN, L.L.P.

Attorneys At Law
345 Seventh Avenue • 23rd Floor
New York, New York 10001

212-564-9800
Fax 212-564-9802

JOHN D'AGOSTINO
MICHAEL J. LEVINE*
WAYNE R. LANDESMAN*
BETTINA M. MIRAGLIA*
JOSE M. RIVERA*
GEORGE TZIMOPOULOS*

KELLYANN S. MONAGHAN
JARED B. VAN VLEET
JONATHAN D. GOTTLIEB*
JARED P. TURMAN*
JULIA L. WACHTER
BROOKE N. ESTREN
ERIC R. GARCIA

COUNSEL
BRUCE H. LEDERMAN*

WRITER'S E-MAIL:
jdagostino@dagli.com

* ALSO ADMITTED IN NJ
* ALSO ADMITTED IN CT
* ALSO ADMITTED IN MA

April 2, 2009

Via Federal Express (202) 708-0502 x. 3006

Mr. William Thomas
U.S. Department of Housing and Urban Development
Office of RESPA and Interstate Land Sales
451 Seventh Street, SW, Room 9154
Washington, DC 20410

Re: ILS 32438, Borden East River Realty LLC, 11/49 Realty LLC, and Simone
Development Company, L.L.C., One Hunters Point Condominium; I-09-096,
Hunters View Condominium, I-09-97

Dear Mr. Thomas:

We have been retained by Borden East River Realty LLC ("Borden"), the developer and sponsor of a twelve story high rise condominium project located at 5-49 Borden Avenue, Long Island City, Queens, New York (the "Hunters Point Project") and 11/49 Realty LLC ("11/49"), the developer of a twelve story high rise condominium project located at 48-15 11th Street, Long Island City, Queens, New York (the "Hunters View Project").

We are writing in response to your letter of March 6, 2009 to Borden, 11/49 and Simone Development Company, L.L.C. which seeks information to determine whether the referenced projects should be registered pursuant to the Interstate Land Sales Full Disclosure Act ("ILSFDA") 15 U.S.C. §1701 et. seq.

We enclose our clients' responses to your questionnaire as well as copies of the offering plans, with amendments, for each of the Hunters Point Project and the Hunters View Project, and various additional schedules, organizational information and other information as requested by your letter. This cover letter is submitted to explain in detail why the two projects are exempt from registration and

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disclosure under 15 USC 1702 (b)(1) as a sale or lease of lots in a subdivision containing fewer than one hundred (100) lots.

The analysis set forth below is based upon HUD's Full Disclosure Action Exemptions Supplemental Information to Part 1710, Part V, which provides

"For example, a developer of a subdivision containing a total of 129 lots since April 28, 1969, qualifies for this exemption if at least 30 lots are sold in transactions that are exempt because the lots had completed homes erected on them. The 30 exempt transactions may fall within any one exemption or a combination of exemptions noted in Sec. 1710.5 (b) through (h) and may be either past or future sales. In the above example, the developer also could qualify if twelve lots had been sold with residential structures already erected on them, nine lots had been sold to building contractors and at least nine lots were reserved for either the construction of homes by the developer or for sales to building contractors. The reserved lots need not be specifically identified."

The Hunters Point Project is an initial offering, pursuant to a duly filed New York State Condominium Offering Plan of one hundred thirty-two (132) residential units, with twenty-six (26) accessory roof terrace units and twenty-five (25) accessory parking space units. Pursuant to Section 5.7(B) of the recorded condominium by-laws, which are also set forth in the filed Offering Plan, the roof terraces and parking spaces "shall only be used ... by Owners and tenants and occupants of the Unit[s]." The by-laws further provide that "Ownership of Roof Terrace Units and Parking Space Units is restricted to the Sponsor and Residential Unit Owners."

Of the one hundred thirty-two (132) residential units in the initial offering plan for the Hunters Point Project, fifty-eight (58) units are not subject to registration and disclosure for the following reasons. On February 17, 2009, a temporary certificate of occupancy (Exhibit A) was issued for the Hunter's Point Project, so that all unsold units at that point in time are exempt pursuant to 15 USC 1702(a)(2) as sale of improved units. As of February 17, 2009, fifty-seven (57) units which are listed on Exhibit B, were unsold and an additional unit, Unit 2M, was sold on that day (See Exhibit C), so that a total of fifty-eight (58) units were exempt from registration and disclosure. Thus, the total number of lots for purposes of the 15 USC 1702(b)(1) exemption is 74.

The Hunters View Project is an initial offering, pursuant to a duly filed New York State Condominium Offering Plan of seventy-three (73) residential units¹, reduced to seventy-two (72)

¹ Pursuant to the 10th Amendment to the Offering Plan which was accepted for filing by the New York State Department of Law on or about March, 2008, the number of residential units offered was reduced to seventy-two (72) due to the fact that Units 8A and 8B were combined and sold as one Unit 8A/B. The certificate of occupancy for the project is for seventy-two (72) units. A single contract of sale was executed for combined Unit 8A/B (see Exhibit K).

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residential units, with fifteen (15) accessory roof terrace units and thirty-seven (37) accessory parking units. Pursuant to section 5.7(B) of the recorded condominium by-laws, which are also set forth in the filed Offering Plan, the roof terraces and parking spaces "shall only be used ... by Owners and tenants and occupants of the Unit[s]." The by-laws further provide that "Ownership of Roof Terrace Units and Parking Space Units is restricted to the Sponsor and Residential Unit Owners."

Of the seventy-two (72) residential units in the Hunters View Project, forty-eight (48) are not subject to registration and disclosure for the following reasons. On March 12, 2009, a temporary certificate of occupancy (Exhibit D) was issued for the Hunters View Project so that all unsold units at that point in time are exempt pursuant to 15 USC 1702(a)(2) as sale of improved lots. As of March 12, 2009, forty-seven (47) units, which are listed on Exhibit E, were unsold. In addition, and amongst others², Unit 2G had previously been sold to Anthony Martello, who acquired such unit for the purpose of resale or lease and who is engaged in such business (see Exhibit F). Therefore, 2G is exempt under 15 USC 1702(a)(7). As a result, the total number of lots for purposes of qualifying for the 15 USC 1702(b)(1) exemption is twenty-four (24).

Based upon the foregoing information, even assuming arguendo that the two projects are subject to analysis under the common promotions plan provisions of ILSFDA, the two projects generated sales of only ninety (98) lots which are not exempt under 15 USC 1702(a) so that the statutory exemption of 15 USC 1702(b)(1) – sale of fewer than one hundred (100) lots – applies.

Additionally, while we submit it is clear that the two Projects are exempt from registration and disclosure for the reasons set forth above, we also respectfully submit that each Project is exempt from registration and property disclosure based upon the substantial compliance with ILSFDA's disclosure requirements because of the very detailed disclosure provided in the enclosed duly filed New York State Condominium Offering Plans which are provided to all prospective purchasers before any contracts are signed and accepted. As you know, the sale of high rise condominiums in the State of New York is heavily regulated and developers are required to provide the New York State filed Offering Plans and all amendments to purchasers.

Our clients believe they are in compliance with ILSFDA. We hereby request that your office issue a letter confirming that by delivering the enclosed Offering Plans to the Purchasers, on the facts of this case as described above, our clients are subject to the exemption for sale of less than one hundred (100) lots. To the extent that you determine that any issue may exist as to technical compliance, we request an immediate meeting with the appropriate persons to clarify all issues, as well as to discuss all necessary and appropriate actions that may be necessary to comply with your office's requirements.

As of this date, five (5) purchasers have commenced lawsuits against our clients in the Eastern District of New York seeking to rescind their purchase agreements, alleging technical violations of ILSFDA, failure to register and failure to provide a property report. The purchasers have also filed

² Numerous purchasers filled out initial information forms indicating that they were purchasing units for investment purposes. All rights are reserved with respect thereto.

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complaints with the New York Attorney General (see, e.g., Exhibit G). The pending federal actions are filed by an attorney who is presently advertising on an internet site called "no-condo.com," which states:

"The downturn of the real estate market has led purchasers (like you) to reevaluate their once promising condominium/real estate purchases. If you seek to get out of your purchase of a condominium unit or other real estate purchase, contact us today."

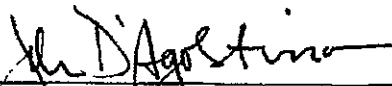
None of the complaints filed have any allegations of fraud or inadequate disclosure. Rather, the complaints (which we believe prompted your inquiry) are an obvious and transparent attempt to exploit or manufacture a perceived technical violation of ILSFDA as a basis for avoiding contracts because of current economic conditions or to create leverage to obtain price concessions from our clients, rather than any bona fide claims of a lack of disclosure.

While we and our client fully appreciate the need for compliance with ILSFDA, we also submit that its use as a weapon to avoid contractual obligations unrelated to any claimed lack of disclosure undermines the purposes of ILSFDA, and the mission of "HUD" in general. If purchasers are permitted to use a "full disclosure act" to avoid negotiated contracts where there are no actual claims of fraudulent disclosure or lack of disclosure, none of the stated purposes of the Act are advanced. Indeed, given current declines in property values, permitting avoidance of contracts unrelated to any actual fraud could lead to outright project failure and bankruptcy, unfairly harming purchasers who have already closed and expect to live in the completed and occupied projects. At a time when our country's leadership is struggling to stabilize financial and real estate markets, we submit it is important for HUD to exercise its regulatory powers wisely to prevent further destabilization of markets by allowing purchasers to avoid contracts where there has been compliance or at a minimum, substantial compliance with the applicable laws.

We look forward to working with you to resolve the issues that prompted your inquiry and confirm that our client is in full compliance with ILSFDA

Very truly yours,

D'AGOSTINO, LEVINE & LANDESMAN, L.L.P.

By: 
John D'Agostino

RESPONSE TO REQUEST FOR INFORMATION

1. The Hunters Point Project is an initial offering, pursuant to a duly filed New York State Condominium Offering Plan of one hundred thirty-two (132) residential units, with twenty-six (26) accessory roof terrace units and twenty-five (25) accessory parking space units. Pursuant Section 5.7(B) of the recorded condominium by-laws, which are also set forth in the filed Offering Plan, the roof terraces and parking spaces "shall only be used ... by Owners and tenants and occupants of the Unit[s]." The by-laws further provide that "Ownership of Roof Terrace Units and Parking Space Units is restricted to the Sponsor and Residential Unit Owners."

Of the one hundred thirty-two (132) residential units in the initial offering plan for the Hunters Point Project, fifty-eight (58) units are not subject to registration and disclosure for the following reasons. On February 17, 2009, a temporary certificate of occupancy (Exhibit A) was issued for the Hunter's Point Project, so that all unsold units at that point in time are exempt pursuant to 15 USC. 1702(a)(2) as sale of improved units. As of February 17, 2009, fifty-seven (57) units which are listed on Exhibit B, were unsold and an additional unit, Unit 2M, was sold on that day (See Exhibit C), so that a total of fifty-eight (58) units were exempt from registration and disclosure. Thus, the total number of lots for purposes of the 15 USC 1702(b)(1) exemption is 74.

The Hunters View Project is an initial offering, pursuant to a duly filed New York State Condominium Offering Plan of seventy-three (73) residential units¹, reduced to seventy-two (72) residential units, with fifteen (15) accessory roof terrace units and thirty-seven (37) accessory parking units. Pursuant to section 5.7(B) of the recorded condominium by-laws, which are also set forth in the filed Offering Plan, the roof terraces and parking spaces "shall only be used ... by Owners and tenants and occupants of the Unit[s]." The by-laws further provide that "Ownership of Roof Terrace Units and Parking Space Units is restricted to the Sponsor and Residential Unit Owners."

Of the seventy-two (72) residential units in the Hunters View Project, forty-eight (48) are not subject to registration and disclosure for the following reasons. On March 12, 2009, a temporary certificate of occupancy (Exhibit D) was issued for the Hunters View Project so that all unsold units at that point in time are exempt pursuant to 15 USC 1702(a)(2) as sale of improved lots. As of March 12, 2009, forty-seven (47) units, which are listed on Exhibit E, were

¹ Pursuant to the 10th Amendment to the Offering Plan which was accepted for filing by the New York State Department of Law on or about March, 2008, the number of residential units offered was reduced to seventy-two (72) due to the fact that Units 8A and 8B were combined and sold as one Unit 8A/B. The certificate of occupancy for the project is for seventy-two (72) units. A single contract of sale was executed for combined Unit 8A/B (see Exhibit K).

unsold. In addition, and amongst others², Unit 2G had previously been sold to Anthony Martello, who acquired such unit for the purpose of resale or lease and who is engaged in such business (see Exhibit F). Therefore, 2G is exempt under 15 USC 1702(a)(7). As a result, the total number of lots for purposes of qualifying for the 15 USC 1702(b)(1) exemption is twenty-four (24).

2. See response 1 above.
3. YES. Borden East River Realty, LLC is the developer of the One Hunters Point Project and 11/49 Realty LLC is the developer of the Hunters View Project.
4. YES. After June 20, 1980, more than twelve (12) lots have been sold in any twelve (12) month period
5. YES. The Combined Projects consist of condominium units all of which are smaller than 20 acres.
6. A small number of sales were made to individuals who provided addresses out of state. The developers do not solicit information as to actual legal residence of purchasers. However, any sale to an individual who had an out-of-state address was initiated by said purchaser's visit to the sales office adjacent to the project. In the limited instances where purchasers used out-of-state addresses, it is believed that they also had New York addresses and/or were purchasing for family members in New York (e.g., out-of-state parents purchasing for children living in New York).
7. All lots (i.e. condominiums located in these high rise buildings) are sold with utilities.
8. YES.
9. As of this date the developer has identified at least one (1) lot, Hunters View Project Unit 2G, which was sold to Anthony Martello, who acquired such unit for the purpose of resale or lease and who is engaged in such business (see Exhibit F). Numerous purchasers filled out initial information forms indicating that they were purchasing units for investment purposes. All rights are reserved with respect thereto.
10. No lots are sold to a government or a governmental agency.
11. One lot, Unit 2M at the Hunter's Point Project, was sold as an existing condominium unit with a valid certificate of occupancy on it. Additionally, fifty-seven (57) Units at the Hunters Point Project and forty-seven (47) Units at the Hunters View Project have not been sold and are

² Numerous purchasers filled out initial information forms indicating that they were purchasing units for investment purposes. All rights are reserved with respect thereto.

presently being offered for sale as improved condominium units with valid certificates of occupancy.

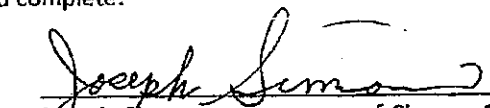
12. All lots are single family residences.
13. Sales are handled through an independent Selling Agent, who, upon information and belief, may use the mails.
14. Collection of downpayments is done through developers' attorneys, and upon information and belief, some purchasers may have delivered payments through the mail.

* * *

1. At present there are fifty-seven (57) unsold units in the Hunters Point Project and forty-seven (47) unsold units in the Hunters View Project.
2. All unsold units are owned by the developers.
3. Not applicable – there are presently unsold units.
4. All lots are condominium units.
5. One (1) lot, Unit 2G, in the Hunters Point Project, had a completed residential condominium at the time of sale.
6. One (1) lot, Hunters View Project Unit 2G, was sold to Anthony Martello, who acquired such unit for the purpose of resale or lease and who is engaged in such business (see Exhibit F).
7. No contracts obligate seller to complete a condominium within two years.
8. New York City Public Roads provide access to each of the projects.
9. Not applicable – see Answer 8 immediately above.
10. Not applicable – see Answer 8 immediately above.
11. All units have utility services provided by Con Edison. Water to all units is provided by the City of New York.
12. All units have utility services provided by Con Edison. Water to all units is provided by the City of New York.
13. Not applicable. All units have utility services provided by Con Edison. Water to all units is provided by the City of New York.

14. See the organizational charts attached hereto as Exhibit H. See also the section in Part I of each Offering Plan titled "Identity of Parties."
15. The Hunters Point Project and the Hunters View Project are not contiguous but are in the same geographic area. No other holdings are in this geographic area. See also the section in Part I of each Offering Plan titled "Identity of Parties."
16. None.
17. The relevant geographic market is in New York City and Long Island, New York.
18. The developers do not maintain records of the legal residences of purchasers. A list for each project showing mailing addresses at the time of contract and current mailing addresses is attached. However, any sale to an individual who had an out-of-town address was initiated by said purchaser's visit to the sales office adjacent to the project. In the limited instances where purchasers used out-of-state addresses, it is believed that they also had New York addresses and/or were purchasing for family members in New York (e.g., out-of-state parents purchasing for children living in New York).
19. A copy of sales promotional package is enclosed as Exhibit I and J.
20. A copy of sales promotional package is enclosed as Exhibit I and J.
21. No installment contracts are used in connection with either project.
22. Not applicable.
23. Sales are handled through an independent Selling Agent, who, upon information and belief, may use telephone to answer inquiries.
24. Attached as part of Exhibits I and J are advertisements in various newspapers or periodicals used to advertise each of the projects. No radio or television ads were utilized.
25. www.Hunterspointcondos.com

I HEREBY AFFIRM that I am the developer of the lots herein described, or will be the developer at the time the lots are offered for sale or lease to the public, or that I am an agent authorized by such developer to respond to this letter of inquiry and that the statements contained herein, together with any documents submitted herewith, are full, true and complete.


Joseph Simone, as manager of Simone Borden
LLC, the manager of Borden East River Realty
LLC and manager of 11/49 Realty LLC

Ex A



Certificate of Occupancy

Page 1 of 2

CO Number: 402115661T001

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

A. Borough: Queens Address: 5-49 BORDEN AVE Building Identification Number (BIN): 4860183	Block Number: 00034 Lot Number(s): 12 Building Type: New	Certificate Type: Temporary Effective Date: 02/17/2009 Expiration Date: 04/18/2009
For zoning lot metes & bounds, please see BISWeb.		
B. Construction classification: 1-C (1968 Code) Building Occupancy Group classification: J2 (1968 Code) Multiple Dwelling Law Classification: HACA		
No. of stories: 12 Height in feet: 123 No. of dwelling units: 138		
C. Fire Protection Equipment: Standpipe system, Fire alarm system, Sprinkler system		
D. Type and number of open spaces: None associated with this filing.		
E. This Certificate is issued with the following legal limitations: None		
Outstanding requirements for obtaining Final Certificate of Occupancy: There are 24 outstanding requirements. Please refer to BISWeb for further detail.		
Borough Comments: THIS TEMP CERTIFICATE OF OCCUPANY IS FOR FLOORS 1-11 AND ROOF ONLY, EXCLUDING THE ENTIRE 12TH FLOOR,		

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

HP000016



Certificate of Occupancy

Page 2 of 2

CO Number: 402115661T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
001	8	OG	B-2		2	STORAGE REFUSE ROOMS
001	14	OG	D-2		2	MECHANICAL ROOMS
001	12	OG	J-2		2	LOBBY, LOUNGE
001	8	OG	F-3		2	GYM
001		OG	J-2	1	2	ONE (1) APARTMENT
001		OG	B-2		2	25 ACCESSORY PARKING SPACES
002 008	40	J-2	13		2	THIRTEEN (13) APARTMENTS ON EACH FLOOR
009 012	40	J-2	10		2	TEN (10) APARTMENTS ON EACH FLOOR
ROF	100	J-2			2	TENANT RECREATION AREA (26 CABANAS)
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

402115661/001 2/17/2009 9:05:38 AM

HP000017

9x B

ONE HUNTERS POINT CONDOMINIUM
STATUS REPORT

As of March 26, 2009

COUNT	UNIT #	DATE CONTRACT FULLY EXECUTED	PURCHASER	PRICE	CONTRACT ADDRESS	CURRENT ADDRESS	COMMENTS
1	2C	10/23/07	Andrea Modica & Melissa Paduck	\$421,428.00	45-16 Pearson Street, Apt. 2, Long Island City, NY 11101	45-16 Pearson Street, Apt. 2, Long Island City, NY 11101	
2	2E	11/29/07	Lora Kaye	\$865,000.00	1089 Jackson Avenue, Long Island City, NY 11101	1088 Jackson Avenue, #2E Long Island City, NY 11101	
3	2G	11/8/07	Nicole Goetz and Mark Goetz	\$864,000.00	4-74 48th Avenue, PH 3G, Long Island City, NY 11109	27-37 27th Street, Apt. 2E, Astoria, NY 11102	CLOSED 2/27/09
4	2J	2/1/08	Kendra Merrill	\$490,000.00	10 Waterside Plaza, Apt. 3K, New York, NY 10010	355 South End Avenue, Apt. 29A, NY 10280	
5	2L	1/7/08	Michael Perntis & Allison Curinga	\$503,000.00	22-01 50th Avenue, Long Island City, NY 11101	524 Concord Avenue, Williston Park, NY 11596	
6	2M	2/7/09	Jason Moralis and Catherine Moralis	\$718,119.43	4720 Conter Blvd., Apt. 2808, Long Island City, NY 11109	4720 Conter Blvd., Apt. 2808, Long Island City, NY 11109	CLOSED 2/28/09
7	2N	10/16/08	Louis Scamati	\$965,000.00	27 Laurel Ridge Court, Mahopas, NY 10641	Not on sheet	
8	3B	11/1/07	Tadaaki Saito & Mari Saito	\$960,000.00	48-55 43rd St., Apt. 4F, Woodside, NY 11377	48-55 43rd St., Apt. 4F, Woodside, NY 11377	
9	3C	10/23/07	Raymond Curiale	\$426,000.00	4516 2-01 50th Ave., Apt. 3P, Long Island City, NY 11101	2-01 50th Ave., Apt. 3P, Long Island City, NY 11101	
10	3D	10/9/07	Victoria Lau and David Ham	\$803,700.00	228-15 49th Road, Oakland Gardens, NY 11364	228-15 49th Road, Oakland Gardens, NY 11364	CLOSED 3/12/09
11	3F	10/23/07	David Jackson	\$370,960.00	49-05 Vernon Blvd., Apt. 3, Long Island City, NY 11101	49-06 Vernon Blvd., Apt. 3, Long Island City, NY 11101	CLOSED 3/17/08
12	3G	10/30/07	Elizabeth Tuckerman & Hector Armstrong	\$985,000.00	165 E. 38th St., Apt. 14K, New York, NY 10016	165 E. 38th St., Apt. 14K, New York, NY 10016	
13	3H	10/23/07	Matthew Manfred & Simona Kovacova	\$420,800.00	47-10 Vernon Blvd., Apt. 3B, Long Island City, NY 11101	47-10 Vernon Blvd., Apt. 3B, Long Island City, NY 11101	
14	3J	11/7/07	Zack Ferguson-Stegler	\$484,630.00	166 Sherman Ave., Apt. 21, New York, NY 10034	93 Wyckoff Ave., Apt. 3C, Brooklyn, NY 11237	
15	3K	10/25/07	Gina Matthews & Doreen Viserim	\$403,210.00	48-21 5th St., Apt. 4C, Long Island City, NY 11101	48-21 5th St., Apt. 4C, Long Island City, NY 11101	
16	3L	10/15/07	Jennifer Sun	\$520,000.00	149-55 Delaware Ave., Flushing, NY 11355	148-55 Delaware Ave., Flushing, NY 11355	
17	3N	11/7/07	Alvin Yuan Chu	\$371,100.00	48-21 5th St., Apt. 2A, Long Island City, NY 11101	48-21 5th St., Apt. 2A, Long Island City, NY 11101	
18	4B	2/1/09	Liling Huang	\$616,430.84	8424 52nd St., Elmhurst, NY 11373	Not on sheet	
19	4C	1/4/09	Gawa Dorjga	\$482,520.00	88-10 34th Ave., Apt. 6H, Jackson Heights, NY 11372	2055 38th St., Astoria, NY 11105	CLOSED 3/24/09
20	4D	2/1/08	Joseph Minaudo and Cristina Valderina	\$685,000.00	167 Lexington Avenue, Apt. 6B, NY 10016	66 JP Morgan Chase, 349 Fifth Avenue, NY, NY 10016	CLOSED 2/27/09
21	4F	11/16/07	Kaya S. Lee and James H. Lee	\$600,000.00	350 West 50th Street, Apt. 11, NY, NY	350 West 50th Street, Apt. 11, NY, NY	CLOSED 3/13/09
22	4G	11/8/07	Peter E. Plespiro	\$735,000.00	84-59 84th Street, Middle Village, NY 11379	2-01 80th Avenue, Apartment 16J, Long Island City, NY 11101	CLOSED 3/9/09
23	4H	10/23/07	Brian Mhelle and Lorraine Carrachio	\$421,600.00	35-63 90th Street, Jackson Heights, NY 11372	626 P.O. Box 820, NY 10028	CLOSED 3/16/09
24	4J	2/7/08	Ou He	\$533,100.00	4021 81st St., Apt. 9, Woodside, NY 11377	626 P.O. Box 820, NY 10028	CLOSED 3/17/09
25	4K	1/23/09	Robert Blandi	\$475,000.00	5 Litchfield Court, Suffern, NY 10901	626 P.O. Box 820, NY 10028	CLOSED 3/16/09
26	4L	2/7/08	Eric A. Garcia	\$574,100.00	42 Harmon Avenue, Pelham, NY 10803	5 Litchfield Court, Suffern, NY 10901	CLOSED 3/17/09
27	4M	10/31/07	Kyung Yeol Shin	\$755,800.00	371 Classon Avenue, Apt. 1B, Brooklyn, NY 11238	626 P.O. Box 820, NY 10028	
28	4N	10/15/07	Michael & Lauren Baruch	\$381,100.00	108-48 70th Road, Apt. 6F, Forest Hills, NY 11375	626 P.O. Box 820, NY 10028	
29	5B	10/15/07	Karen Lefe and Kevin Bray	\$713,000.00	200 East 72nd Street, PHC, NY 10021	626 P.O. Box 820, NY 10028	
30	5C	11/8/07	Branka Kolvek & Lora Saldana	\$407,500.00	47-25 40th Street, Apt. 3H, Sunnyside, NY 11104	626 P.O. Box 820, NY 10028	CLOSED 3/13/09
31	5F	11/26/07	Yai Lai Lau & Hally Hoi	\$635,000.00	61-46 148th St., Flushing, NY 11357	626 P.O. Box 820, NY 10028	
32	5H	10/15/07	Tamara O'Malley	\$454,800.00	10-43 47th Ave., Apt. 4C, Long Island City, NY 11101	626 P.O. Box 820, NY 10028	
33	5K	12/19/07	Daniel Romero & Joann Ragusa	\$485,000.00	79-38 310 St., Bayside, NY 11428	626 P.O. Box 820, NY 10028	
34	5L	10/25/07	Bryan Chuah	\$589,100.00	242 E. 80th St., Apt. 5D, New York, NY 10022	626 P.O. Box 820, NY 10028	CLOSED 3/16/09
35	5N	3/12/08	Anup Uniyal & Rochelle Uniyal	\$465,000.00	111 Cinnamon Ct., Melville, NY 11747	626 P.O. Box 820, NY 10028	
36	6B	3/9/08	Karen Yee Leen Hui & Piny-Tai Hui	\$735,000.00	165 E. 52nd St., Apt. 5D, New York, NY 10022	626 P.O. Box 820, NY 10028	

HP000019

As of March 26, 2009

ONE HUNTERS POINT CONDOMINIUM
STATUS REPORT

37	6C	11/8/07	Edward Chen and Wendy Leung	\$515,000.00	135-22 62nd Ave., Flushing, NY 11367	135-22 62nd Ave., Flushing, NY 11367	CLOSED 3/18/09
38	8D	1/7/08	William Lee & Sunny Fan	\$672,500.00	474 48th Ave., Apt. 7D, Long Island City, NY 11108	474 48th Ave., Apt. 7D, Long Island City, NY 11108	
39	8F	7/7/08	Philip DeMarco and Kathleen Delucio	\$545,000.00	24 Swallow Lane, Levittown, NY 11756	1751 2nd Avenue, Apt. 14T, NY, NY 10128	CLOSED 3/4/09
40	8G	11/2/07	Dorothy Chen	\$795,000.00	2-01 50th Avenue, Apt. 4E, Long Island City, NY 11101	2-01 50th Avenue, Apt. 4E, Long Island City, NY 11101	CLOSED 3/5/09
41	9H	11/30/07	Annmaria Kls	\$485,000.00	4720 Center Boulevard, apt. 2907, Long Island City, NY 11106	47-29 Center Blvd., Apt. 2907, Long Island City, NY 11109	
42	6J	8/18/08	Stacey Sy/Susan Sy and Lam-Bon Sy	\$555,100.00	4720 Center Boulevard, apt. 2907, Long Island City, NY 11106	47-29 Center Blvd., Apt. 2907, Long Island City, NY 11109	
43	9K	5/6/08	Greg Schaffert	\$495,000.00	10 City Place, Apt. 23D, White Plains, NY 10601	2-01 50th Avenue, Apt. 11L, Long Island City, NY 11101	
44	8L	10/25/07	Anthony Aliano	\$604,100.00	28 Leroy St., Apt. 1B, New York, NY 10014	60 The Harzog Law Group, 58th Street, Suite 8B, NY, NY 10038 Attn: Jeremy L. Hevens, Esq.	CLOSED 2/24/09
45	8N	10/30/07	Anna Jonsson	\$445,000.00	467 Columbus Ave., Apt. 2A, New York, NY 10024	28 Leroy St., Apt. 13, New York, NY 10014	
46	7C	11/21/07	Amadora Mendes Salgado	\$530,000.00	4720 Center Boulevard, Apt. 1503, Long Island City, NY 11109	467 Columbus Ave., Apt. 2A, New York, NY 10024	CLOSED 3/19/09
47	7D	10/18/07	Sara Moscoso-Gaenzler and John Gaenzler	\$719,850.00	511 50th Avenue, #4, Long Island City, NY 11101	60 Next Management LLC, 15 Watts St., 6th Fl, New York, NY 10013	
48	7F	5/9/08	Ovana Omelous	\$655,000.00	31-77 32nd Street, Apt. 3C, Astoria, NY 11106	511 50th Avenue, Apt. 4, Long Island City, NY 11101	
49	7G	10/30/07	David Dedicco and Kyle Jacobl	\$825,000.00	55 West 28th Street, New York, NY 10010	31-77 32nd Street, Apt. 3C, Astoria, NY 11106	
50	7H	12/13/07	Ching R. Kadja	\$493,000.00	778 Winwood Dr., East Meadow, NY 11554	2-01 50th Avenue, Apt. P8E, Long Island City, NY 11101	
51	7K	12/17/07	Jason Salvador	\$403,000.00	2 Gold St., Apt. 5912, New York, NY 10038	778 Winwood Dr., East Meadow, NY 11554	
52	7L	1/31/08	David M. Escow and Kiera LoBreglio	\$613,100.00	1675 York Avenue, Apt. 16C, New York, NY 10128	401 E. 34th St., Apt. S3D, New York, NY 10016	
53	7N	10/30/07	Dexter Hosang and Elizabeth Gler	\$465,000.00	10-22 47th Road, Apt. 2L, Long Island City, NY 11101	1675 York Avenue, Apt. 16C, New York, NY 10128	fedex returned no longer at this address
54	8C	1/7/08	Glenn DeSena	\$555,000.00	4-74 48th Avenue, Apt. 4C, Long Island City, NY 11109	10-22 47th Road, Apt. 2L, Long Island City, NY 11101	
55	8D	2/11/08	Cara Scardino and Winston Braser	\$705,000.00	281 Avenue C, Apt. 5C, NY, NY 10009	96 American Express 200 Vesey St., Mail Code 01-38-02, New York 10285	
56	8E	12/17/07	Robert L. Finde, Jr., and Randall W. Velicquette	\$955,000.00	182 East 95th Street, Apt. 10C, New York, NY 10128	281 Avenue C, Apt. 5C, NY, NY 10009	CLOSED 3/12/08
57	8F	7/8/08	Barlozz David Dynak and Michelle DellaCruz	\$865,000.00	43-30 48th Street, Apt. D1, Sunnyside, NY 11104	182 East 95th Street, Apt. 10C, New York, NY 10128	
58	8H	12/12/07	Britney Beck and Paul Collet	\$508,000.00	418 East 88th Street, Apt. 5B, New York, NY 10128	43-30 48th Street, Apt. D1, Sunnyside, NY 11104	
59	8K	2/11/08	Ivan Kam and Wan Fong Tse	\$535,000.00	6345 Weeharole Street, Apt. 2A, Rego Park, NY 11374	418 East 88th Street, Apt. 5B, New York, NY 10128	
60	8N	12/12/07	Chung H. Lee	\$475,000.00	1908 Crinson Lane, Bloomington, IL 61704	c/o ODA, 484 Broadway, 34th Floor, New York, NY 10012	
61	9B	9/19/08	Martin J. Towey	\$500,000.00	21-12 45th Road, Apt. 1B, Long Island City, NY 11101	333 E. 48th Street, Apt. 6S, New York, NY 10017	
62	9C	10/14/08	Arielle DiCiero and Luca DiCiero	\$705,000.00	24-47 44th Street, Apt. 1H, Astoria, NY 11103	21-12 45th Road, Apt. 1B, Long Island City, NY 11101	CLOSED 3/24/09
63	9E	10/1/08	Zehra Nary	\$675,000.00	32-19 46th Street, Astoria, NY 11103	52 McLoughlin Street, Glen Cove, NY 11542	
64	9F	8/27/08	Andrea Tocchio	\$915,000.00	47-40 41st Street, Apt. 4G, Sunnyside, NY 11104	32-19 46th Street, Astoria, NY 11103	
65	9H	9/23/08	Clifford S. Toy	\$510,000.00	25-11 16th Street, Flushing, NY 11358	47-40 41st Street, Apt. 4G, Sunnyside, NY 11104	
66	9J	11/12/08	Anna Brasca	\$715,000.00	2-01 50th Avenue, Apt. 11F, Long Island City, NY 11101	25-11 16th Street, Flushing, NY 11358	
67	10B	12/8/08	Meredith Binsky	\$505,000.00	46 Tudor City, Apt. B20, New York, NY 10017	2-01 50th Avenue, Apt. 11F, Long Island City, NY 11101	
68	10E	10/17/08	Richard Yeom & Sean Yeom	\$585,000.00	19 Gilbert Lane, Plainview, NY 11803	46 Tudor City, Apt. B20, New York, NY 10017	
69	10F	12/9/08	Beth Zaccaro	\$525,000.00	500 West 58th Street, Apt. 609, New York, NY 10019	19 Gilbert Lane, Plainview, NY 11803	
70	10K	11/29/07	Julie & David Lieve	\$585,300.00	7 Melrose Lane, Commack, NY 11725	500 West 58th Street, Apt. 609, New York, NY 10019	
71	11E	12/30/8	Dharma Frederick & Ivanhoe Frederick	\$637,680.41	2 Peter Cooper Road, Apt. 3D, New York, NY 10010	7 Melrose Lane, Commack, NY 11725	
72	11F	12/2/08	Montclair Borochor	\$500,000.00	2367 Street, #4, Tel Aviv Israel 69380	2 Peter Cooper Road, Apt. 3D, New York, NY 10010	CLOSED 3/10/09
73	12C	11/18/08	John Christopher Whiteley & Ana Sofia Mendonca Correia Whiteley	\$750,000.00	310 West 88th Street, Apt. 2R, New York, NY 10024	71 East 4th Street, Apt. 2S, NY, NY 10003	
74	12F	9/16/08	Sunnie Guglielmo & Eric Lankowitz	\$545,000.00	47-18 11th Street, Long Island City, NY 11101	45-16 Pearson Street, Apt. 1, Long Island City, NY 11101	

HP000020

ONE HUNTERS POINT CONDOMINIUM
STATUS REPORT

As of March 26, 2009

75	12H	6/18/08	Chintan A. Panolai	\$540,000.00	39-55 59th Street, Woodside, NY 11377	39-55 59th Street, Woodside, NY 11377
76	1A					
77	2A					
78	2B					
79	2D					
80	2F					
81	2H					
82	2K					
83	3A					
84	3E					
85	3M					
86	4A					
87	4E					
88	5A					
89	5D					
90	5E					
91	5G					
92	5J					
93	5M					
94	6A					
95	6E					
96	6M					
97	7A					
98	7B					
99	7E					
100	7J					
101	7M					
102	8A					
103	8B					
104	8G					
105	8J					
106	8L					
107	8M					
108	9A					
109	9D					
110	9G					
111	9K					
112	10A					
113	10C					
114	10D					
115	10G					
116	10H					
117	10J					
118	10L					
119	11B					
120	11C					
121	11D					
122	11G					
123	11H					
124	11J					
125	11K					
126	12A					
127	12B					

HP000021

**ONE HUNTERS POINT CONDOMINIUM
STATUS REPORT**

As of March 26, 2009

128	120
129	125
130	126
131	121
132	123

Ex C



Writer's Direct Dial: (516) 663-6509
Writer's Direct Fax: (516) 663-6709
Writer's E-mail: pcorazza@rmfpc.com

VIA FEDEX

February 17, 2009

Sheryl Jassen, Esq.
710 Park Avenue, 10th Floor
New York, New York 10021

Re: Sale of One Hunters Point Condominium – Unit No. 2M
by Borden East River Realty LLC, as Sponsor,
to Jason Moraitis and Catherine Moraitis

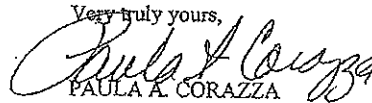
Dear Ms. Jassen:

Enclosed please find two (2) fully executed Purchase Agreements in connection with the above-captioned transaction.

Pursuant to Article 10 of the Condominium Offering Plan, we have deposited the down payment check and we enclose a Notice of Deposit.

Should you have any questions, please do not hesitate to contact me at your earliest convenience.

Very truly yours,



PAULA A. CORAZZA
Paralegal

Enclosures

cc: Patrick Smith (by email)

bcc: Brian Sampson, Esq. (by email)

From: Origin ID: HMLA (519) 882-8509
 Paula Mizzi
 Ruekin Moscou Falfechek, P.C.
 190 EAB Plaza, East Tower, 15th Fl
 Unifondale, NY 11556



Ship Date: 18FEB09
 Act/Wgt: 1.0 LB
 CAD: 8802339/MET9011
 Account#: 8802339

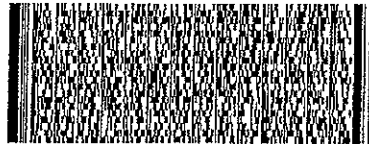
Delivery Address Bar Code



Ref # 1181700.00002
 Invoice #
 PO #
 Dept #

SHIP TO: (212) 734-4884 BILL SENDER
 Sheryl D. Jassen, Esq.

710 PARK AVE FL 10
 10TH FLOOR
 NEW YORK, NY 10021



TRK# 7973 4772 9989
 0201

THU - 19FEB
 STANDARD OVERNIGHT
 RES

10021
 NY-US
 EWR

ZB FLUA



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2/18/2009

HP000025

NOTICE OF ESCROW DEPOSIT

Date: February 17, 2009

Tender of Deposit of \$35,905.97 for Unit 2M at One Hunters Point Condominium, Long Island City, New York.

Purchaser(s) named below has/have tendered on February 17, 2009 the above escrow deposit to Sponsor/Selling Agent as a deposit for the above Unit.

Purchaser(s) Jason Moraitis and Catherine Moraitis

Address of Purchaser(s) 4720 Center Boulevard, #2809
Long Island City, NY 11109

Social Security Number(s) or 126-72-3568
Tax Identification Number(s)
of Purchaser(s)


Account: Madison National Bank -- Master Account # 1000103828

Interest Rate of Master Account: 0%

RECEIPT

RUSKIN MOSCOU FALTISCHEK, P.C. hereby acknowledges receipt of the above escrow deposit by check subject to collection.

RUSKIN MOSCOU FALTISCHEK, P.C.

By: 
ERIC C. RUBENSTEIN, ESQ.

Date of Receipt: February 17, 2009

G x D



Certificate of Occupancy

Page 1 of 3

CO Number: 402437065T001

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

A.	Borough: Queens	Block Number: 00061	Certificate Type: Temporary
	Address: 48-15 11 STREET	Lot Number(s): 80	Effective Date: 03/12/2009
	Building Identification Number (BIN): 4862699	Building Type: New	Expiration Date: 06/10/2009
For zoning lot metes & bounds, please see BISWeb.			
B.	Construction classification: 1-D	(1968 Code)	
	Building Occupancy Group classification: J2	(1968 Code)	
	Multiple Dwelling Law Classification: HAEA		
	No. of stories: 12	Height in feet: 125	No. of dwelling units: 72
C.	Fire Protection Equipment: None associated with this filing.		
D.	Type and number of open spaces: Parking spaces (37), Parking (14403 square feet)		
E.	This Certificate is issued with the following legal limitations: None		
Outstanding requirements for obtaining Final Certificate of Occupancy:			
There are 24 outstanding requirements. Please refer to BISWeb for further detail.			
Borough Comments: None			

Borough Commissioner

Commissioner

DOCUMENT CONTINUES ON NEXT PAGE

HP000028



Certificate of Occupancy

Page 2 of 3

CO Number: 402437065T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
CEL			J-2		2B	ACCESSORY (22) PARKING SPACES
CEL			D-2		2B	MECHANICAL ROOM
CEL		OG	B-2		2B	TENANT STORAGE,
OSP		100	J-2		2B	OUTSIDE RECREATION AREA
001		40	J-2		2B	ACCESSORY (15) PARKING SPACES
001		40	J-2		2B	ACCESSORY EXERCISE ROOM
001		40	J-2		2B	LOBBY, LOUNGE
002		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
003		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
004		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
005		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
006		40	J-2	7	2	(7) CLASS 'A' APARTMENTS
007		40	J-2	7	2	(7) CLASS 'A' APARTMENTS


 Borough Commissioner


 Commissioner

DOCUMENT CONTINUES ON NEXT PAGE



Certificate of Occupancy

CO Number: 402437065T001

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
008		40	J-2	6	2	(6) CLASS 'A' APARTMENTS
009		40	J-2	6	2	(6) CLASS A APTS.
010		40	J-2	6	2	(6) CLASS A APTS.
011		40	J-2	6	2	(6) CLASS A APTS.
012		40	J-2	6	2	(6) CLASS A APTS.
ROF	31	100	J-2		2	TENANT RECREATION SPACE (15 CABANAS) 31 MAX OCCUPANTS.
ROF						MECHANICAL & ELEVATOR ROOMS
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

402437065/001 3/12/2009 10:10:37 AM

GA E

HUNTERS VIEW CONDOMINIUM
STATUS REPORT

As of March 26, 2009

COUNT	UNIT #	DATE CONTRACT FULLY EXECUTED	PURCHASER	PRICE	CONTRACT ADDRESS	CURRENT ADDRESS	COMMENTS
1	2A	8/20/08	James McDonough	\$524,535.00	4720 Center Bldg., Apt. 625, Long Island City, NY 11109	4705 Center Blvd., Apt. 1104, Long Island City, NY 11109	CLOSED 3/28/09
2	2C	11/1/07	Alex Estemil	\$465,306.00	115 Lincoln Rd., Apt. 2J, Brooklyn, NY 11206	8 Cambridge Rd., Great Neck, NY 11023	
3	2G	11/14/08	Anthony Mandilo	\$324,875.00	19 Fox Run, Purchase, NY 10577		
4	3A	3/6/08	Elk Rivera & Irene Wolf	\$536,000.00	110-55 68th Ave Forest Hills, NY 11375/606 E. 49th St., Apt. 5C, NY, NY 10017	110-55 68th St., Forest Hills, NY 11375	
5	3C	11/8/07	Pedro Nizaro	\$465,211.00	460 Clover Rd., Apt. 2A, Staten Island, NY 10310	490 Clover Rd., Unit 2A, Staten Island, NY 10310	
6	3D	11/26/07	Mark Shuman & Dorothy Balco-so-	\$695,815.00	100 St. Johns Lane, Mullica, NJ 08062	100 St. Johns Lane, Mullica, NJ 08062	
7	3F	11/1/07	Shudman	\$490,200.00	54 Boerum St., Apt. 12R, Brooklyn, NY 11206	54 Boerum St., Apt. 12R, Brooklyn, NY 11206	
8	3G	1/3/08	Clara C. Rivera	\$465,428.00	888 Main St., Apt. 1030, New York, NY 10044	10-03 40th Ave., Apt. 2E, Long Island City, NY 11101	CLOSED 3/28/09
9	4A	11/8/07	Richard Chang	\$588,870.00	100 Collax Ave. Apt 7U, Staten Island, NY 10306	26 Onisk, Harrington & Sutcliffe LLP, 666 Fifth Ave, NY, NY 10108	
10	4B	11/26/07	Eric Weiser	\$810,000.00	331 E. 28th St., Apt. 13K, NY, NY 10016		
11	4C	11/8/07	Hosoi Yand & Satee Yang	\$818,076.00	74-56 Austin St., Apt. 1W, Forest Hills, NY 11375	78-65 Austin St., Apt. 1E, Forest Hills, NY 11375	
12	4D	10/23/07	Teresa Maloria & Mark Wade	\$711,815.00	338 West 88th St., Apt. 3A, New York, NY 10024	338 West 88th St., Apt. 3A, New York, NY 10024	
13	4F	1/4/08	Luz Astudillo & Kenneth M. Sanchez	\$484,285.00	32-10 Lament Ave., Elmhurst, NY 11373/415 Bortolone Pl, Apt. 1, Brooklyn, NY	92-10 Lament Ave., Elmhurst, NY 11373	
14	4G	3/13/08	Venita A. Farrier	\$532,000.00	123-25 82nd Ave., Apt. 5S, Kew Gardens, NY 11415	123-25 82nd Ave., Apt. 5S, Kew Gardens, NY 11415	
15	5C	2/11/08	Marco Onicicoll	\$500,000.00	60 W. 142nd St., Apt. 2H, New York, NY 10033	203 W. 108th St., Apt. 12, New York, NY 10025	
16	5F	2/28/08	Zafsun Yilmaz & Oguz Kagan Yilmaz	\$551,250.00	41-46 51st St., Apt. 3F, Woodside, NY 11377	41-46 51st St., Apt. 3F, Woodside, NY 11377	
17	6G	2/25/08	Marc Hyun, Micky Hyun & Charlie Hyun	\$520,000.00	33 Russell Park Rd., Syosset, NY 11791	33 Russell Park Rd., Syosset, NY 11791	
18	6C	2/14/08	Amarsingh Ghopade	\$510,000.00	310 East 92nd St., Apt. 3R, New York, NY 10128	132-45 Maple Ave., Apt. 102, Flushing, NY 11355	
19	6F	9/12/08	Anthony C. Ko	\$535,000.00	132-45 Maple Ave., Apt. 102, Flushing, NY 11355	132-45 Maple Ave., Apt. 102, Flushing, NY 11355	
20	7C	2/7/08	Susie Ng	\$535,000.00	57-34 80th St., Middle Village, NY 11379	57-34 80th St., Middle Village, NY 11379	
21	7F	9/2/08	Shalina Ara & Joshua S. Bloom	\$545,000.00	52-30 138th St., Apt. 2P, Kew Gardens, NY 11435		CLOSED 3/19/09
22	8A/8B	1/25/08	Richard Shiu	\$1,658,650.00	474 48th Ave., Apt. 35D, Long Island City, NY 11109	2-01 50th Ave., Apt. 14C, New York, NY 11101	
23	8C	9/16/08	Leonidas G. Savvas & Petra Kosova	\$545,000.00	601 W. 57th St., Apt. 38L, New York, NY 10019	601 W. 57th St., Apt. 38L, New York, NY 10019	
24	8F	7/17/08	Dr. Aruna Sheth	\$555,000.00	55-36 Oseania St., Bayside, NY 11354	55-36 Oseania St., Bayside, NY 11354	
25	9F	10/14/08	Man C. Rivera	\$580,000.00	188 Ellery St., Brooklyn, NY 11203	188 Ellery Street, Brooklyn, NY 11203	
26	2B						
27	2D						
28	2E						
29	2F						
30	3B						
31	3E						
32	4E						
33	5A						
34	5B						
35	5D						
36	5E						
37	6A						
38	6B						

Ex F

AFFIDAVIT

STATE OF NEW YORK


COUNTY OF Bronx

Anthony Martello, being duly sworn, deposes and says:

1. I am a real estate professional, and I list my occupation as real estate professional on my federal and state income tax returns.
2. For many years I have been in the business of building, buying, and/or selling various types of real property, through different corporate entities which I control and participate. I presently have investments in over 10 different real estate ventures.
3. This will certify that unit 2G which I purchased at the Hunters View Condominium project in Long Island City, NY, was purchased solely as an investment to either lease or resell. I never had any intention to occupy such unit personally for any purpose whatsoever.


Anthony Martello

Sworn to before me this 26 day
Of March, 2009


Dorothy A. Plau
Notary Public, State of New York
No. 01PF6015640
Qualified in Bronx County
Commission Expires 11/02/2010

Ex G

WILENTZ GOLDMAN &SPITZER P.A.

ATTORNEYS AT LAW

90 Woodbridge Center Drive
Suite 900 Box 10
Woodbridge, NJ 07095-0958
(732) 636-8000
Fax (732) 493-8387

Meridian Center I
Two Industrial Way West
Eatontown, NJ 07724-2265
(732) 542-4500
Fax (732) 493-8387

110 William Street
26th Floor
New York, NY 10038-3901
(212) 267-3091
Fax (212) 267-3828

Two Penn Center Plaza
Suite 910
Philadelphia, PA 19102
(215) 940-4000
Fax (215) 636-3999

Park Building
355 Fifth Avenue
Suite 400
Pittsburgh, PA 15222
(412) 232-0808
Fax (412) 232-0773

website: www.wilentz.com

Please reply to:
Woodbridge
Direct Dial: (732) 855-6026
Direct Fax: (732) 726-6639
E-mail: lweiner@wilentz.com

DAVID T. WILENTZ (1918-1984)
G. GEORGE GOLDMAN (1922-1955)
HENRY M. SPITZER (1926-1988)

WARREN W. WILENTZ
MORRIS BROWN
FREDERICK K. BECKER
NICHOLAS L. SANTOWASSO
RICHARD F. LERTZ

JOHN A. HOFFMAN
STEPHEN E. BARCAN
FRANCIS V. BONELLO
BARRY M. EPSTEIN
VINCENT P. MALTESE
DAVID M. WILDESTEIN

GORDON J. GOLUB
MARVIN J. BRAUT
STUART A. HOBERMAN
STEPHEN A. SPITZER
ANNE S. BABINEAU

CHRISTINE D. PETRUZZELLI
BRIAN J. MOLLOY
RANDALL J. RICHARDS

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OF COUNSEL
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ROBERT A. PETITO
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COUNSEL
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ERICA A. RODRIGUEZ

< Certified Civil Trial Attorney
D Certified Criminal Trial Attorney
E Certified Matrimonial Attorney
F Certified Workers Compensation Attorney
G National Certified Civil Trial Specialist

Approved by the ABA
1 Not admitted NJ
2 Admitted NY
3 Admitted PA
4 Admitted CT
5 Admitted DC
6 Admitted MA
7 Admitted MD
8 Admitted VA
9 Admitted CA
10 Admitted FL
11 Admitted PR
12 Admitted VI

March 16, 2009

VIA UPS OVERNIGHT DELIVERY

New York Department of Law
Real Estate & Finance Division
120 Broadway, 23rd Floor
New York, New York 10271

Re: Zachery Ferguson-Steger
One Hunters Point Condominium, Unit No. J3

Dear Sir or Madam:

Please be advised that this firm represents Zachery Ferguson-Steger, contract purchaser of Unit J3 at the One Hunters Point Condominium. The Sponsor of the condominium is Borden East River Realty, LLC.

Enclosed for filing please find two copies of purchasers' ETF-1 Form, along with two copies of: a) proof of payment of the deposit and b) a demand letter sent on behalf of the Purchaser to the Sponsor rescinding the Purchase Agreement and demanding return of the Purchaser's deposit.

Purchaser has asserted his right of rescission of the Purchase Agreement pursuant to the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §1701, et. seq. and has demanded a return of his deposit. Accordingly, purchaser files the enclosed ETF-1 to protect his deposit monies.

#3148136 (999999.496)

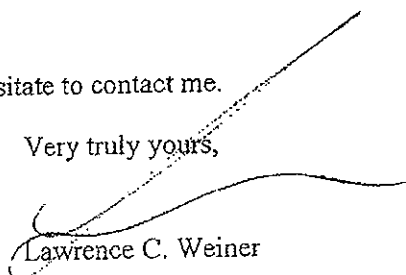
HP000037

WILENTZ
GOLDMAN
&SPITZER P.A.
ATTORNEYS AT LAW

New York Department of Law
Real Estate & Finance Division
March 16, 2009
Page 2

If you have any questions please do not hesitate to contact me.

Very truly yours,



Lawrence C. Weiner

LCW:ar
Encls.

cc: w/encls.
Borden East River Realty LLC (Via UPS Overnight)
Bruce H. Lederman, Esq. (Via UPS Overnight)
Eric Rubenstein, Esq. (Via UPS Overnight)
Zachery Ferguson-Steger (Via email w/o encls. -except ETF-1)

ETP-1

**APPLICATION TO THE ATTORNEY GENERAL
FOR A DETERMINATION ON THE
DISPOSITION OF DOWNPAYMENTS**

[Send this application to the reviewing attorney assigned to the subject plan.]

Re: One Hunters Point Condominium
Address of Building or Name of Project

File Number: No. CD07-0082

Application is made to the Attorney General to consider and determine the disposition of down payments held pursuant to GBL Sections 352-e(2-b) and 352-h. The following information is submitted in support of this application:

1. Name of Applicant Zach Ferguson-Steger
2. Address of Applicant 168 Sherman Avenue, Apt. 21, New York, NY 10034
3. Name, Address, and Telephone Number of Applicant's Attorney (if any) Lawrence Weiner,
Woodbridge Center Drive, Woodbridge, NJ 07095; (732)855-6026
4. This is an application for
 - ☒ return of downpayment.
 - ☐ forfeiture of downpayment.
 - ☐ other: _____
5. The project is
 - ☐ a conversion of occupied premises.
 - ☒ newly constructed or rehabilitated.
 - ☐ vacant (as is).
6. The project is structured as
 - ☐ a cooperative.
 - ☒ a condominium.
 - ☐ a homeowners association.
 - ☐ a timeshare.
 - ☐ other: _____

2/6/92

7. Name and Address of Sponsor: Borden East River Realty
1000 Main Street, New Rochelle, New York 10801
8. Name and Address of Escrow Agent: Ruskin Moscou Faltischek, P.C. - 1425 RexCorp
Plaza, East Tower, 15th Floor, Uniondale, NY 11556
9. If downpayments are maintained in an escrow account:
- (a) Name of account Ruskin Moscou Faltischek, P.C. Escrow Account
Madison National Bank - 849 Whitman Road,
Merrick, NY 11566
- (b) Name and address of bank Merrick, NY 11566
- (c) Account number (if known) _____
- (d) Initial interest rate (if known) Non-interest bearing account
10. If downpayments have been secured by bonds:
- (a) Name and address of bond issuer or surety: Not applicable.

- (b) Copy of bond included in this application. (DO NOT SEND ORIGINAL BOND). If not included, explain:
Not applicable.

11. If downpayments have been secured by a letter of credit:
- (a) Name and address of bank which issued the letter of credit: Not applicable.

- (b) Date of expiration of the letter of credit, if known:
Not applicable.
12. Plan information:
- (a) Date of filing of plan: September 11, 2007

- (b) Plan ☒ has been declared effective. Approximate date: October 8, 2008
☐ has not been declared effective.
- (c) If effective, the plan ☒ has closed or the first unit has closed. Approximate date: October 2008
☐ has not closed.
☐ don't know.
- (d) Downpayments are secured by ☒ escrow account.
☐ bonds.
☐ letter of credit.

13. Contract information:

- (a) Copy of contract and of all riders or modification letters are attached. (DO NOT SEND ORIGINALS.)
- (b) Date on which subscription or purchase agreement was signed: Nov 1 2007
- (c) Date(s) of downpayment(s): signed 10/22/07 / cashed ~~10/22/07~~ 11/15/07
- (d) Total amount of downpayment(s): \$49,462.00
- (e) Names and addresses of subscribers or purchasers affected by this application:

Zach Ferguson-Steger

168 Sherman Avenue, Apt. 21, New York, NY 10034

14. State the basis for your claim. Please be as specific as possible. You may add additional sheets. Attach copies of any relevant documents.

Condominium has over 99 units for sale under one common promotional plan. As such, the Condominium is not properly registered with HUD, and I was not given a HUD property report in violation of the Interstate Land Sales Full Disclosure Act (ILSDFA). Further, the Condominium has not exempted itself from the ILSDFA. I have demanded a full return of my deposit and rescission of my purchase agreement. See attached. I will be filing a complaint in federal court in the event my deposit is not returned pursuant to the demands set forth in the attached demand letter. Please do not release escrow until a resolution of this matter has occurred.

15. I am contemporaneously sending a copy of this application to the following persons:

Sponsor and Escrow Agent (addressed included above)

Note: You are required to mail a copy of this Application to all other affected parties.

In filing this application, I understand that the Attorney General is not my private attorney, but represents the public in enforcing laws designed to protect the public from unlawful business practices. I also understand that if I have any questions concerning my legal rights or responsibilities I may contact a private attorney. The above application is true and accurate to the best of my knowledge. False statements made herein are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.

Signature:

Date: 3/9/09

Name (Printed): Zach Ferguson-Steger

Telephone: (Home)

(Business) 212-605-2419

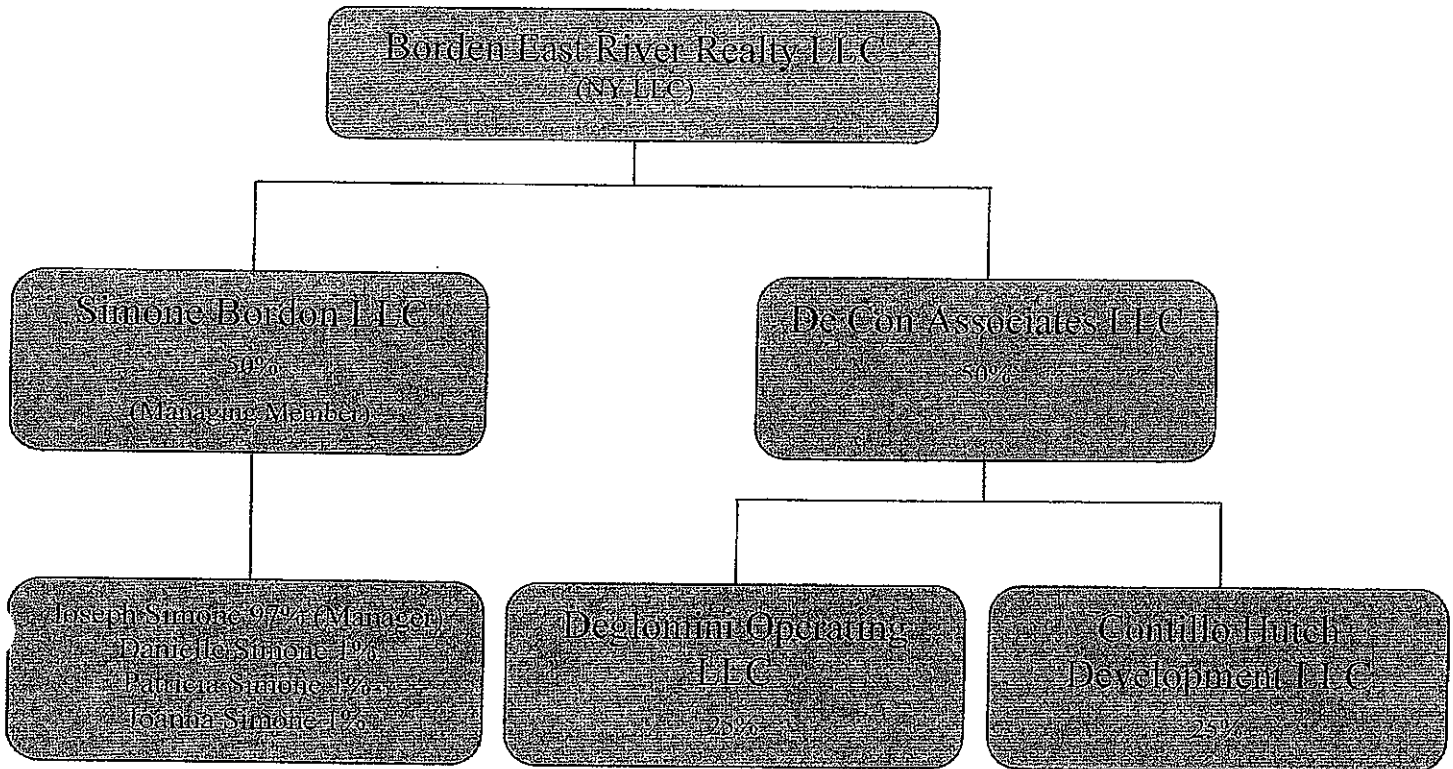
Mailing Address: 168 Sherman Avenue, Apt. 21, New York, NY 10034

2/6/92

Ex 14

PROPERTY

5-43 Borden Avenue, Long Island City, NY



SIGNATURE BLOCK

BORDEN EAST RIVER REALTY LLC

By: Simone Borden LLC, its managing member

By: _____

Name: Joseph Simone

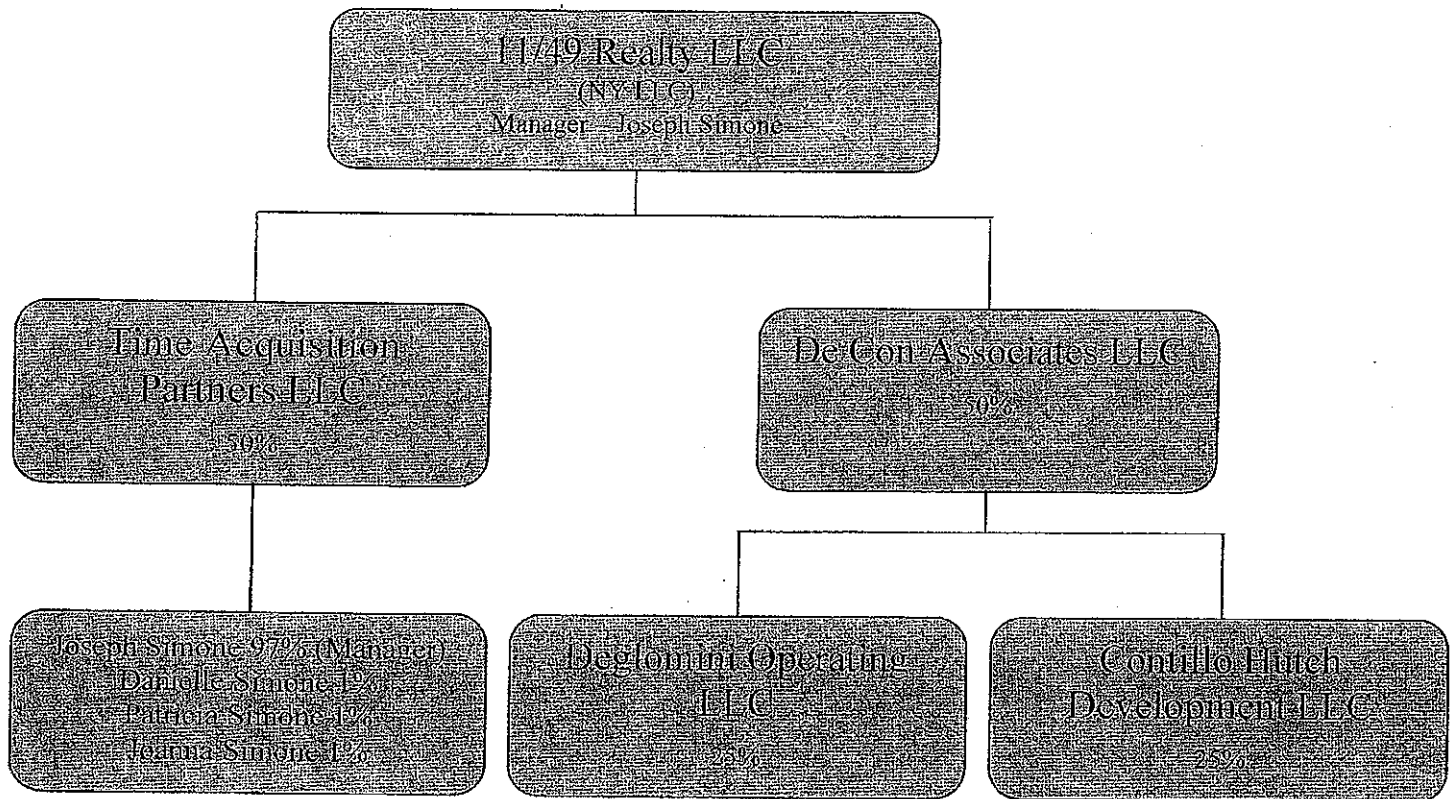
Title: Manager

April 2007

HP000044

PROPERTY

11-15/11-19 and 11-23 49th Avenue, Long Island City, NY



SIGNATURE BLOCK

11/49 REALTY LLC

By: _____

Name: Joseph Simone

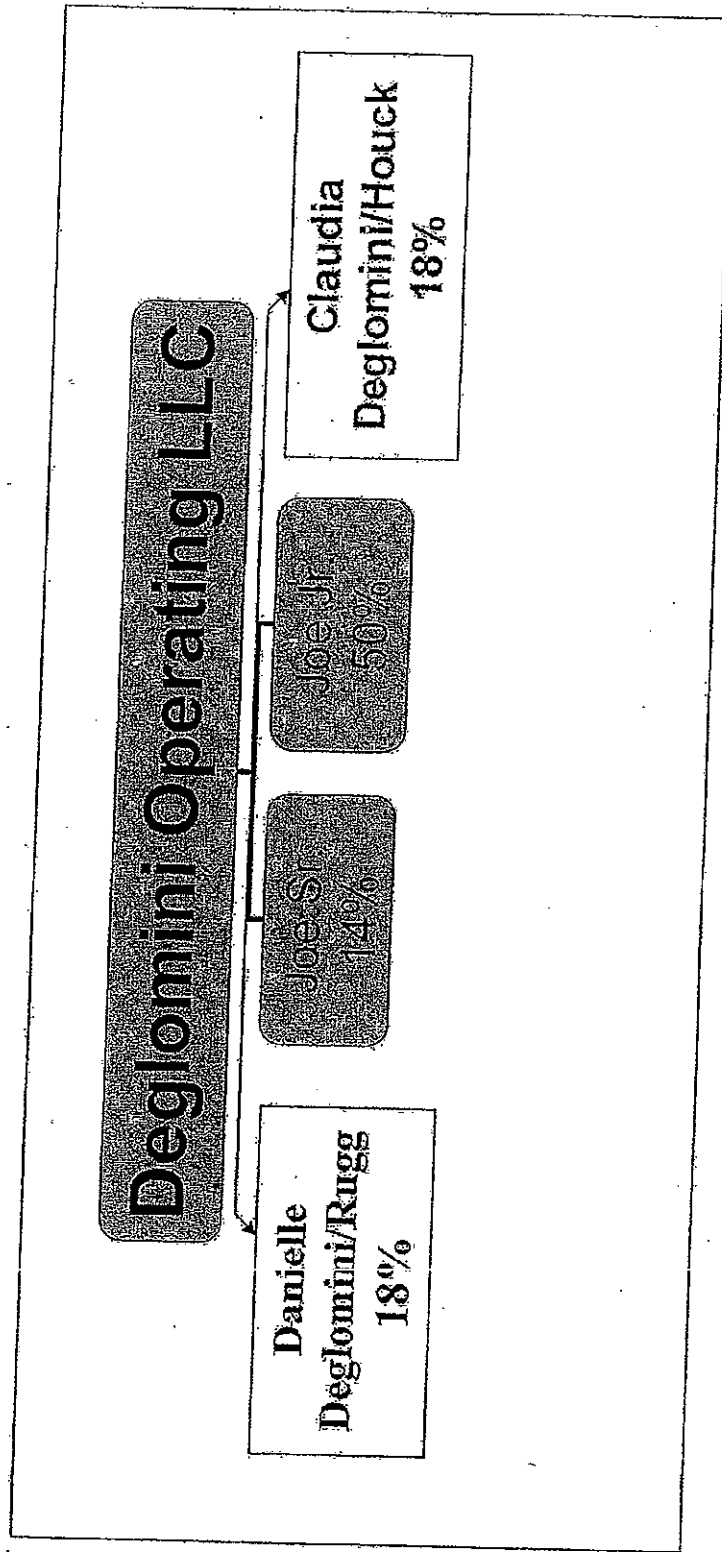
Title: Manager

April 2007

HP000045

Deglomini Operating LLC

amended 6/1/07



CONTILLO HUTCH DEVELOPMENT LLC

